

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14369 of 2017

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Md. Islam, Son of Late Salamat Mian, Resident of Village- Sanpatha, P.O. Mansapur, Police Station- Laukahi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Collector, Madhubani.
3. The District Co-operative Officer, Madhubani.
4. The Sub- Divisional Officer, Phulparas, District- Madhubani.
5. The Block Development Officer, Laukahi, District- Madhubani.
6. The Circle Officer- Laukahi, District- Madhubani.
7. The Officer-In-charge, Laukahi, Police Station, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar, Advocate
For the Respondent/s : Mr. Ajay, G.A. 5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-04-2018

This petition has been filed in public interest by the petitioner claiming to be a public spirited person and his grievance is that in Mauza- Jhahuri, pertaining to khata no. 275 Khesra No. 1802, Circle- Laukahi in district- Madhubani the land in question measuring 1 Bigha, 16 katha 16 dhur is being used for the last 60 to 70 years by persons of a particular community for various religious activities, but all of a sudden in the year 2013 the Government has proposed to make construction in the said land.

Admittedly, the land is a Government land and vide



order passed on 26.06.2013 construction of a godown was proposed in the area. Grievance of the petitioner is that even though on 24.08.2013 the Circle Officer has indicated that the area is used for religious purpose and, therefore, the construction be not made but from Paragraph 9 onwards the petitioner's own pleading shows that construction continued and work progressed. Grievance of the petitioner is that his representations submitted to various authorities were not considered and, therefore, he filed this writ petition in public interest on 03.10.2017.

Having considered the submissions made and the documents available on record, it is seen that after the orders were passed for construction of the godown in the land in question, which is a Government land, on 26.06.2013 and after work orders were issued the petitioner has not brought on record a single document in the form of representation or objection either by the petitioner or by any other individual in the matter of protest with regard to construction in question. The petitioner has only brought on record the work order issued and the communication of the Circle Officer dated 23.08.2013 and the pleadings of the petitioner from Paragraph 9 onwards clearly show that inspite thereof the construction commenced in



September, 2013 and while this petition was filed after about four years in October, 2017 the entire construction of the godown in the area by utilization of public fund would have been completed. That being so, now in view of these facts, we are not inclined to interfere into the matter. The petitioner may take up the issue with the competent authority of the State Government and plead for alternate site for carrying out the religious activities in question and it would be for the District administration or the State Authorities to look into the issue in question.

For the present, in view of the facts that are detailed hereinabove, we are not inclined to interfere into the matter. The writ petition stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	24.04.2018
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